UNITED STATES OF AMERICA DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF ADMINISTRATIVE LAW JUDGES

The Secretary, United States)	
Department of Housing and Urban)	
Development, on behalf of)	
Monica Nightingale-Hawkins,)	
)	
Charging Party,)	
)	
v.)	FHEO No.: 07-02-0399-8
)	
Allen Norman, Nancy Norman and)	
John Norman,)	
)	
Respondents.)	
)	

CHARGE OF DISCRIMINATION

I. JURISDICTION

On or about May 18, 2002, Complainant Monica Nightingale-Hawkins, an aggrieved person, filed a verified complaint with the U.S. Department of Housing and Urban Development (HUD), alleging that Respondents Allen, Nancy, and John Norman committed discriminatory housing practices on the basis of sex (female) and race (African-American) in violation of Section 3617 of the Fair Housing Act as amended in 1988, 42 U.S.C. §§ 3601 *et seq.* (2004) (hereafter, the "Act"). On or about November 9, 2004, the complaint was amended to clarify the original allegations and to add that Respondent John Norman violated Section 3604(c) of the Act on the basis of race (African-American).

The Act authorizes the issuance of a Charge of Discrimination (Charge) on behalf of an aggrieved person following an investigation and a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred. 42 U.S.C. § 3610(g)(1) and (2) (2004). The Secretary has delegated to the General Counsel (54 Fed. Reg. 13121 (Mar. 30, 1989)), who has redelegated to the Regional Counsel (67 Fed. Reg. 44234 (Jul. 1, 2002)), the authority to issue such a Charge, following a determination of reasonable cause by the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) or her designee.

By Determination of Reasonable Cause of February 23, 2005, the FHEO Region VII Director, on behalf of the Assistant Secretary for Fair Housing and Equal Opportunity, has determined that reasonable cause exists to believe that discriminatory housing practices have occurred in this case based on race and sex and has authorized and directed the issuance of this Charge of Discrimination.

II. SUMMARY OF THE ALLEGATIONS IN SUPPORT OF THIS CHARGE

Based on HUD's investigation of the allegations contained in the aforementioned complaint and as set forth in the aforementioned Determination of Reasonable Cause, Respondents are charged with discriminating against the Complainant based on race and sex in violation of 42 U.S.C. §§ 3604(c) and 3617 (2004) of the Act as follows:

A. Applicable Federal Law

- 1. It is unlawful to make any statement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on race or an intention to make any such preference, limitation, or discrimination. 42 U.S.C. § 3604(c) (2004); 24 C.F.R. §§ 100.75(a) and (b) (2004).
- 2. It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, any right granted by Section 803, 804, 805, or 806 of the Act. 42 U.S.C. § 3617 (2004); 24 C.F.R. § 100.400(b) (2004). Unlawful conduct includes: 1) threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race or sex of such person, or of visitors or associates of such person, 24 C.F.R. § 100.400(c)(2) (2004), and 2) retaliating against any person because that person has made a complaint or participated in any manner in a proceeding under the Act, 24 C.F.R. § 100.400(c)(5) (2004).

B. Background

3. Complainant was a 42-year-old single African-American female employed as a grant writer. Complainant worked primarily from her home.

4. Respondent Allen Norman is a Caucasian male married to Nancy Norman, a Caucasian female. Together they owned and managed five rental units in Kansas City, Missouri.

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¹ At the time of the discriminatory conduct, Respondent Nancy D. Norman, formerly Nancy D. LaCoss, was the record owner of the five rental units, though both she and Respondent Allen Norman shared rental and managerial duties of the rental units and considered themselves co-owners. Record ownership of the rental units was subsequently changed during 2003 and 2004 to include Respondent Allen Norman as a co-owner.

- 5. Respondent John Norman was a 42-year-old single Caucasian male and is the son of Respondent Allen Norman. He was a part-time maintenance employee for Respondents Allen and Nancy Norman and performed miscellaneous maintenance and repair jobs in the rental units as directed by them.
- 6. The subject property is a single family home converted into two apartments located at 2703 Harrison, Kansas City, Missouri. The apartment in question is Apartment #1, the downstairs apartment.
- 7. On or about February 6, 2002, Complainant moved into the subject property owned by Respondents Allen and Nancy Norman. Complainant had a verbal agreement with them to pay \$550 per month for rent, which included utilities.
- 8. Respondent John Norman lived in a rental unit owned and managed by Respondents Allen and Nancy Norman at 2710 Harrison, directly across the street from Complainant, in Kansas City, Missouri.
- 9. Complainant first met Respondent John Norman on or about February 6, 2002. Though their relationship was initially cordial, it quickly became strained soon after Complainant moved into her new unit.
- 10. Complainant warned Respondent John Norman in approximately mid-February not to come into her apartment unless he was fixing something. Complainant's request was triggered by several incidents Complainant found disturbing and offensive.
- 11. On or around February 14, 2002, Respondent John Norman provided Complainant a colored picture of a bouquet of approximately forty penises. He had provided the same picture to Complainant's upstairs neighbor (African-American female) several months earlier.
- 12. During February 2002, Respondent John Norman told Complainant he liked to get "fucked in the ass."
- 13. Soon after Complainant moved in, Respondent John Norman would enter her unit with the pretext of providing maintenance or repairs but would then, in Complainant's absence, eat her food and access pornography on her computer.
- 14. On several occasions during her tenancy, Respondent John Norman appeared at Complainant's unit for alleged maintenance work wearing offensive t-shirts. One of the shirts stated: "Jack's crack pull up and get fucked in the ass." Another of Respondent John Norman's shirts depicted a gas pump going into the back of a car with the saying "I like to get it in the ass, too."
- 15. Complainant immediately told Respondent John Norman she was offended by his actions and comments and did not want to hear about his sexual desires, but he continued to enter her apartment and subject her to offensive remarks and behavior.

- 16. Complainant began complaining to Respondents Allen and Nancy Norman about Respondent John Norman within weeks of moving into her new unit. However, his behavior toward Complainant continued.
- 17. On or around February 27, 2002, Complainant and a colleague (African-American male) with whom she was working on a grant proposal, were watching the 2002 Grammy Awards in Complainant's unit. At approximately 10:00 p.m., Respondent John Norman, without permission and without knocking, unexpectedly used his maintenance key to enter Complainant's apartment through her front entrance sliding door.
- 18. Respondent John Norman, who appeared under the influence of drugs or alcohol, began talking and making racial insults. Though Complainant asked Respondent John Norman to leave numerous times, he ignored her requests.
- 19. Respondent John Norman told Complainant and her guest he had just came back from "niggerville" to buy crack and the "niggers" didn't like him. When Complainant's black cat walked across the floor, Respondent John Norman commented "a black nigger cat for a black nigger witch."
- 20. Complainant threatened to call the police and Respondent John Norman's father. Respondent John Norman said the police would not do anything since his father owned the property and if she called his father, his father would have her evicted.
- 21. At an unconfirmed time and date during Complainant's tenancy, Respondent John Norman, who had entered Complainant's apartment, asked Complainant for \$2 because he wanted to buy a joint and "get fucked in the ass." At that time, he stood up, pulled his pants down to his knees, exposed his genitals, and spread his buttocks apart, showing where he "liked to get fucked."
- 22. During mid-March 2002, Respondent John Norman, who was visibly intoxicated, entered Complainant's apartment with his maintenance key without permission. While in Complainant's apartment, he exposed his genitals to her, an incident she later reported to the police.
- 23. On a separate occasion during her tenancy, the Complainant dropped off her rent at Respondent John Norman's apartment due to Respondent Allen Norman not being available. During this encounter with Respondent John Norman, he described to Complainant a graphic sexual act in which he was about to engage and invited Complainant to join him, two women, and another man in the sexual act in his apartment. Complainant brusquely declined and returned to her unit.
- 24. During the first three weeks of March 2002, Complainant noted that Respondent John Norman entered her unit on numerous occasions without her permission including on or about March 7, 10, 12, 14, 16, 17, and 21, 2002.

- 25. On or around March 21, 2002, Complainant sought to protect her fair housing rights by seeking an Ex Parte Order of Protection against Respondent John Norman with the Circuit Court of Jackson County, Missouri at Kansas City. In Complainant's Petition, she asserted, among other numerous actions, Respondent John Norman had provided her with the picture of penises, "mooned" her, and racially harassed her and her guest with "racial verbiage." The court granted Complainant's petition and scheduled the hearing for the Full Order of Protection for April 1, 2002.
- 26. Other than granting Complainant permission to change the locks on the doors of her apartment and paying for the locks, Respondents Allen and Nancy Norman took no affirmative steps to respond to Complainant's issues.
- 27. On April 1, 2002, the Circuit Court of Jackson County, Missouri at Kansas City granted Complainant a Full Order of Protection after a hearing in which Complainant and Respondent John Norman testified.
- 28. From March 20, 2002 until May 26, 2002, the police responded on at least four dates to calls from Complainant and/or her upstairs neighbor (African-American female) at 2703 Harrison. The calls involved reports by the women that Respondent John Norman was entering their apartments unlawfully, peering in the apartment windows, and/or violating the Order of Protection.
- 29. During the weeks following the hearing for the Order of Protection, Complainant and Respondents Allen and Nancy Norman exchanged confrontational letters. Complainant sent Respondent Allen Norman letters dated April 5, 2002, and April 20, 2002, noting, among other issues, Respondent John Norman's previous harassment and unauthorized entries into her apartment. Respondents Allen and Nancy Norman sent reply letters to the Complainant dated April 13, 2001 (sic) and April 20, 2002 defending their actions and denying that Respondent John Norman continued to harass her.
- 30. Within weeks after the Court granted the Full Order of Protection, Respondents Allen and Nancy Norman sent Complainant a letter of eviction dated April 21, 2002. In the letter, they explained that considerable work needed to be done to the property at 2703 Harrison, that they would be replacing the roof and doing other exterior repairs to the property next door, and considering the recent chain of events and Complainant's health, they felt it best for her to find another place to live.
- 31. As a result of the letter of eviction, Complainant vacated the premises on or about May 28, 2002.
- 32. Despite Respondents Allen and Nancy Norman's contention that they planned to perform considerable work on 2703 Harrison, they, in fact, made only minor repairs, costing approximately \$500, to Complainant's former unit after she vacated it.

C. Fair Housing Act Violations

- 33. By terminating Complainant's lease because she had asserted her fair housing rights, Respondents Allen and Nancy Norman unlawfully retaliated against her in violation of 42 U.S.C. § 3617 (2004); 24 C.F.R. § 100.400(b) and (c)(5) (2004).
- 34. By threatening, intimidating and interfering with the Complainant in her enjoyment of a dwelling because of her race and sex, Respondents violated 42 U.S.C. § 3617 (2004); 24 C.F.R. § 100.400(c)(2) (2004).
- 35. By intimidating and interfering with Complainant's visitor and colleague, through the use of harassing and insulting racial insults because of his race, Respondent John Norman violated 42 U.S.C. § 3617 (2004); 24 C.F.R. § 100.400(c)(2) (2004).
- 36. By Respondent John Norman making racial insults and statements to Complainant and her visitor in Complainant's home repeatedly using the term "nigger," he indicated a preference, limitation, or discrimination in the rental of her dwelling based on race, or an intention to make any such preference, limitation, or discrimination in violation of 42 U.S.C. § 3604(c) (2004); 24 C.F.R. § 100.75(a) and (b) (2004).
- 37. As a result of Respondents' actions, Complainant suffered damages. Complainant began seeing a clinical psychologist on a regular basis the last week of February 2002 because of Respondent John Norman's actions. Complainant suffered emotional distress, embarrassment, humiliation, inconvenience, and economic loss, including but not limited to, moving expenses and transportation costs.

III. CONCLUSION

WHEREFORE, the Secretary of the U.S. Department of Housing and Urban Development, through the Office of the General Counsel, and pursuant to 42 U.S.C.§ 3610(g)(2)(A) (2004) of the Act, hereby charges Respondents with engaging in discriminatory housing practices in violation of Sections 3604(c) and 3617 of the Act, and prays that an order be issued that:

- 1. Declares that the discriminatory housing practices of the Respondents, as set forth above, violate the Act, 42 U.S.C. §§ 3601 *et seq.* (2004);
- 2. Enjoins Respondents, their agents, employees, and successors, and all other persons in active concert or participation with them from discriminating because of race and/or sex against any person in any aspect of the rental of a dwelling;

- Awards such damages as will fully compensate the Complainant for her emotional distress, embarrassment, humiliation, inconvenience, and economic loss caused by Respondents' discriminatory conduct pursuant to 42 U.S.C. § 3612(g)(3) (2004); and
- Awards an \$11,000 civil panelty against Respondent John Norman and a \$5,000 Act

penalty again	st Respondents Allen and	l Nancy Norman for each violation of the A pursuant to 42 U.S.C. § 3612(g)(3) (2004).
	y of HUD further prays for 3612(g)(3) (2004).	or additional relief as may be appropriate
		Respectfully submitted,
		Thomas J. Coleman Regional Counsel, Region VII
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